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Antonelli, Terry, Stout & Kraus , LLP
Suite 1800
1300 North Seventeenth Street
Arlington, VA 22209

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2655	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/767,838	SHAW, ERIC D.
	Examiner	Art Unit
	Huyen Vo	2655

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _24 January 2001_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-70_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-70_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _24 January 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _1/24/01_.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed
> publication in this or a foreign country or in public use or on sale in this country, more than one year prior to
> the date of application for patent in the United States.

2.   Claims 1-32 and 36-70 are rejected under 35 U.S.C. 102(b) as being anticipated

by Joao (US Patent No. 5961332).

3.   Regarding claim 1, Joao discloses a method of computer analysis of computer

generated communications comprising:

        collecting at least one computer generated communication produced by or

received by an author (*col. 14, In. 27-49, presenting questions to the user and collecting*

responses from the user);

        parsing the collected at least one computer generated communication to identify

categories of information therein (*col. 14, In. 27-67, received data are parsed and*

assigned to predefined cells, and cells are grouped together into categories);

        processing the categories of information with at least one analysis to quantify at

least one type of information in each category (*col. 14, In. 50 to col. 15, In. 55 or col. 23,*

In. 46 to col. 25, In. 57); and

        generating an output communication when a difference between the

quantification of at least one type of information for at least one category and a

reference for the at least one category is detected involving a psychological state of the

author to which a responsive action should be taken with content of the output

communication and the at least one category being programmable to define a

psychological state in response to which an action should be taken and what the action

is to be taken in response to the defined psychological state (*the operation of figures*

12A-B).

4.   Regarding claim 62, Joao discloses a system which provides computer analysis

of computer generated communications comprising:

        a computer system having at least one processor, a database coupled to the at

least one processor and an input which collects at least one computer generated

communication produced by or received by an author (*figure 1*);

        a parser, executed by the at least one processor, which parses the collected at

least one computer generated communication to identify categories of information

therein (*col. 14, ln. 27-67, received data are parsed and assigned to predefined cells,*

and cells are grouped together into categories);

        the at least one processor performs at least one analysis of one of the categories

of information to quantify at least one type of information in each category which is

stored in the database (*col. 14, ln. 50 to col. 15, ln. 55 or col. 23, ln. 46 to col. 25, ln.*

57); and

        the at least one processor generates an output communication when a difference

between the quantification of at least one type of information for at least one category

and a reference for the at least one category is detected involving a psychological state

of the author to which a responsive action should be taken with content of the output

communication and the at least one category being programmable to define a

psychological state in response to which an action should be taken and what the action

is to be taken in response to the defined psychological state (*the operation of figures*

12A-B).

5.   Regarding claim 2, Joao further discloses a method in accordance with claim 1

wherein: a plurality of computer generated communications generated over a period of

time are collected (*the operation of figure 2, many questions (DAF's) generated and*

responses are collected over a period of time), parsed and processed to generate the

reference of the at least one type of information for each category (*col. 14, ln. 27-67,*

received data are parsed and assigned to predefined cells, and cells are grouped

together into categories); collecting, parsing and processing a more recent computer

generated communication to quantify the at Least one type of information therein for

each category (*col. 14, ln. 50 to col. 15, ln. 55 or col. 23, ln. 46 to col. 25, ln. 57*); and

generating the output communication when the difference between the reference of at

least one category and the quantification of the current computer generated

communication for at least one category is detected involving a psychological state of

the author to which the responsive action should be taken (*the operation of fig. 12A-B*).

6.   Regarding claim 3, Joao further discloses a method in accordance with claim 1

wherein: only one computer-generated communication is collected, parsed and

processed (*figure 1*).

7.   Regarding claims 4-6, Joao further discloses a method in accordance with claims

1-3 wherein: the output communication indicates that the author should be studied or

investigated (*col. 25, ln. 39-57, if the result score of DAF-1 indicates that the person

should be studied further, DAF-2 is formulated and presented to the author to collect

more responses*).

8.   Regarding claims 7, 9, 11, 13, 15, and 17, Joao further discloses a method in

accordance with claims 1-6 wherein: a plurality of analyses are used to process the

categories of information (*the operation of figure 2 involves a plurality of analyses, or

referring to col. 23, ln. 46 to col. 25, ln. 67*).

9.   Regarding claims 8, 10, 12, 14, 16, 18-24, and 64-65, Joao further discloses a

method in accordance with claims 7, 9, 11, 13, 15, 17, 1-6, and 63 respectively,

wherein: the plurality of analyses comprise a psychological profiling algorithm which

provides an indication of a psychological state of the author (*col. 30, ln. 19-67*), at least

one key word algorithm which processes any phrases and/or threatening acts to further

identify a psychological state of the author and how the author may react to the

identified psychological state and at least one message characteristic algorithm which

analyzes characteristics of the at least one computer generated communication to identify a psychological state and/or at least one possible action of the author (*col. 14, ln. 50 to col. 15, ln. 46, processing emotion category to determine the psychological state of the author, for further detail see col. 22-25*).

10.   Regarding claims 25-27, Joao further discloses a method in accordance with claims 4-6 wherein: the at least one computer generated communication is collected by an organization to which the author is affiliated (*col. 11, ln. 56-67 and/or col. 28, ln. 13-35*); and the output communication is present on a system of the organization and is directed to or from the organization (*col. 11, ln. 56-67 and/or col. 28, ln. 13-35*).

11.   Regarding claims 28-30, Joao further discloses a method in accordance with claims 25-27 wherein: each reference is set by the organization (*col. 22, ln. 39-58, these nine reference values are predefined by the organization*).

12.   Regarding claims 31-32, Joao further disclose a method in accordance with claim 3 wherein: the only one computer generated communication is collected by an organization to which the author is affiliated (*col. 11, ln. 56-67 and/or col. 28, ln. 13-35*); the output communication is directed to the organization and pertains to further action to be taken regarding the author (*col. 11, ln. 56-67 and/or col. 28, ln. 13-35*); and wherein each reference is static and is indicative that a psychological state of the author is of concern to the organization (*col. 11, ln. 56-67 and/or col. 28, ln. 13-35*).

13.   Regarding claims 36-38, Joao further discloses a method in accordance with claim 1 wherein: the output communication assesses a risk posed by the author based upon the at least one computer generated communication produced or received by the author (*col. 30, In. 19-67*); the author is affiliated with an organization (*the author using the system*); and the communication pertains to a course of action to be taken by the organization which collected the at least one computer generated communication authored or received by the author (*col. 35, In. 1-67*); and the course of action is that the author be further assessed and counseled regarding the psychological state represented in the at least one computer generated communication (*the operation of figure 2 or col. 23, In. 46 to col. 26, In. 67, responses to questions posed in DAF-1 are collected and based on the collected responses, DAF-2 is generated to further assess the psychological state of the author*).

14.   Regarding claims 39-41, Joao further discloses a method in accordance with claim 19 wherein: the output communication is about the author (*col. 30, In. 36-67, report about the author*); and the output communication is generated in response to processing of the reference for the at least one psychological profiling algorithm and the quantification produced by the psychological profiling algorithm (*col. 30, In. 36 to col. 31, In. 67, different processing and reports are generated*); for the at least one key word algorithm and the quantification produced by the at least one key word algorithm (*col. 14, In. 50 to col. 15, In. 30*); and for the at least one message characteristic algorithm

and the quantification produced by the at least one message characteristic algorithm (*col. 32, ln. 1 to col. 33, ln. 67, calculations are performed to determine if the psychological state of the author*).

15.   Regarding claims 42-44, Joao further discloses a method in accordance with claims 1-3 wherein: the output communication regards at least one of a psychological state of the author represented in the at least one computer generated communication and an investigation of the psychological state of the author represented by the at least one computer generated communication (*col. 30, ln. 36 to col. 31, ln. 67, different processing and reports are generated*).

16.   Regarding claims 45-46, Joao further discloses a method in accordance with claim 19 wherein the at least one psychological profiling algorithm quantifies at least one of: words written in bold face, italics, profanity or email symbols in an alert phrase (*table 1 in col. 15-21 or appendices*); and wherein the at least one psychological profiling algorithm quantifies the following words, phrases, or subjects: I, we, me negatives, quantifiers, retractors, direct references, explainers, expressions of feeling, evaluators, adverbial intensifiers, rhetorical questions, interruptions, interrogatives and imperatives (*table 1 in col. 15-21 or appendices*).

17.   Regarding claims 47-48, Joao further discloses a method in accordance with claim 46 wherein: the at least one psychological profiling algorithm produces an

assessment of a psychological state of the author (*col. 11, ln. 9-29*); and wherein the psychological state of the author is at least one of anger, anxiety, depression, emotional withdrawal, lack of flexibility, impulsiveness and emotional stability (*col. 14, ln. 50 to col. 15, ln. 31*).

18.   Regarding claims 49-50, Joao further discloses a method in accordance with claim 46 wherein: the at least one psychological profiling algorithm provides an interpretation of the psychological state and/or risk of at least one of the words, phrases and subjects represented by the at least one computer generated communication (*col. 15, ln. 47-55 or table 1*); and wherein the at least one psychological profiling algorithm provides an interpretation of the psychological state and/or risk of at least one combination of at least one of the words, phrases or subjects represented by the at least one computer generated communication (*col. 15, ln. 47-55 or table 1*).

19.   Regarding claims 51-52, Joao further discloses a method in accordance with claim 19 wherein: the at least one key word algorithm quantifies phrases and/or threatening acts to identify a psychological state (*col. 14, ln. 50 to col. 15, ln. 31, anger toward others*); and wherein the phrases and/or threatening acts involve at least one of anger, grief, threats, or accusations (*col. 14, ln. 50 to col. 15, ln. 31, anger*).

20.   Regarding claims 53, Joao further discloses a method in accordance with claim 50 wherein the at least one key word algorithm provides information regarding at least

one of: employee attitude, actions toward individuals, at least one organization and at

least one organizational interest (*col. 14, ln. 45 to col. 15, ln. 29*).

21.   Regarding claim 54, Joao further discloses a method in accordance with claim 46

wherein the characteristics include at least one of the following information about the at

least one computer generated communication: number of words, time of day, writing

time, number of words per minute, recipient, spelling errors, grammatical errors, words

per sentence, and communication rate in terms of at least one of a number of computer

generated communications per hour or day (*table 1, col. 16, ln. 30-43, these can be

categorized in Attentional Deficits category*).

22.   Regarding claims 55-60, Joao further discloses a method in accordance with

claims 1 and 3 wherein: the output communication is used to alter the at least one

computer generated communication (*col. 3, ln. 47-60*); and wherein the author uses the

output communication to alter the at least one computer generated communication (*col.

3, ln. 47-60*); and wherein the altering of the at least one computer generated

communication modifies a psychological state reflected in the at least one computer

generated communication in a manner desired by the author (*col. 3, ln. 47-60*).

23.   Regarding claim 61, Joao further discloses a method in accordance with claim 1

wherein: the category involving a psychological state is a change in psychological state

(*col. 28, ln. 13-35*).

24.   Regarding claim 63, Joao further discloses a system as recited in claim 62

wherein: the at least one analysis is at least one algorithm (*col. 24-25*).

25.   Regarding claim 66, Joao further discloses a system as recited in claim 62

wherein: the output communication is generated by the at least one processor by a

report generator program which generates a report pertaining to the author (*the*

operation of figure 1 and col. 30, ln. 36 to col. 31, ln 67).

26.   Regarding claim 67, Joao further discloses a system in accordance with claim 62

wherein: the input is coupled to a communication system of an organization to which the

author is affiliated and which collects the at least one computer generated

communication produced or received by the one author (*col. 11, ln. 56-67*); and the

output communication is directed to the organization indicating that at least one of an

investigation and corrective action should be considered relative to the author (*col. 11,*

ln. 56-67 and col. 30, ln. 36 to col. 31, ln. 67).

27.   Regarding claim 68, Joao further discloses a system in accordance with claim 62

wherein: the output communication is used to alter the at least one computer generated

communication (*col. 15, ln. 32-45*);

28.   Regarding claims 69-70, Joao further discloses a system in accordance with

claim 68 wherein the author uses the output communication to alter the at least one

computer generated communication (*col. 15, ln. 32-45*); and wherein the altering of the

at least one computer generated communication modifies a psychological state

reflected in the at least one computer generated communication in a manner desired by

the author (*col. 15, ln. 32-45*).

Claim Rejections - 35 USC § 103

29.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

30.   Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Joao (US Patent No. 5961332).

31.   Regarding claims 33-35, Joao fails to specifically disclose a method in

accordance with claim 1 wherein: the collected at least one computer generated

communication is email, chat from a chat room, and web site information collected from

a web site. However, email, chat room, and website are well known forms of

communication. Therefore, it would have been obvious to one of ordinary skill in the art

at the time of invention to incorporate these means of communication to Joao to collect

user's responses. The benefit of doing this is to enable remote communication and data collection to enhance system's robustness.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Vo whose telephone number is 703-305-8665. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Huyen X. Vo   October 7, 2004

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SUSAN MCFADDEN
PRIMARY EXAMINER